

CUSTOMER NO.: 24498  
Ser. No. 10/540,457  
Office Action dated: 08/19/08  
Response dated: 11/19/08

PATENT  
PF030015

### **Remarks/Arguments**

In the non-final Office Action dated August 19, 2008, it is noted that claims 1 – 17 are pending in the application. Claims 1 and 13 are independent.

In the present amendment, claims 1, 2, 4 – 6, 8 and 13 – 17 are amended to more clearly and distinctly claim the subject matter that Applicants regard as the invention. No new matter is added.

### **Objection to the Specification for not having section headings**

In the present amendment, the specification is amended to include the appropriate section headings. Withdrawal of the objection to the specification is respectfully requested.

### **Rejection of claims 4, 5 and 16 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter**

In the present amendment, claims 4, 5 and 16 are amended to obviate this rejection. Applicants submit that amended claims 4, 5 and 16 contain tangible results and therefore are directed to statutory subject matter. Withdrawal of the rejection of claims 4, 5 and 16 under 35 U.S.C. 101 is respectfully requested.

### **Rejection of claims 1 – 17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention**

In the present amendment, claims 1, 4 – 6, 8 and 13 – 17 are amended to obviate this rejection. Withdrawal of the rejection of claims 1 – 17 under 35 U.S.C. 112, second paragraph, is respectfully requested.

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**Rejection of claims 1 – 17 under 35 U.S.C. 102(b) as being anticipated by Inoue et al. ("Inoue", "Image Filing System Capable of Quick Retrieval, Feb 1986)**

Applicants submit that for at least the following reasons, claims 1 – 17 are patentable over Inoue.

For example, amended claim 1, in part, requires:

*"associating, with at least one of the displayed images, means for controlling the display of a second group of images associated with second elements, which group is distinct from the first group of images, wherein said means for controlling contain selection criteria related to the nature or content of the elements." (Emphasis added)*

The support for the claim amendments may be found in Applicants' specification, page 8 line 3, through page 9 line 14.

Inoue apparently discloses a method where the images of the database are accessed in a hierarchical manner. In this case, one single set of images is displayed and when one of the displayed images is selected, another set of images is displayed which belongs to the same predefined hierarchical classification theme of the images. This successive display of images goes on and on until the lowest layer of the structure is reached. Although Inoue apparently discloses means for displaying a second group of images under a hierarchical structure, as discussed in greater detail below, Inoue does not disclose means for controlling the display of the second group of images, wherein said means for controlling contain selection criteria related to the nature or content of the elements, as claimed.

As described in Applicants' specification, page 8, line 3, through page 9, line 14, the means for controlling are defined as criteria such as, for example, a date of storage of the multimedia element, a frequency of access to this element, a membership of one and the same semantic group, a similarity relating to the nature or to the content of these elements. These controlling means make it possible,

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when a user selects an image of a first group, to display a second group of images which exhibits a relationship that is meeting the defined criteria such as a similar date of storage in combination for example with a similarity in the content. Thus, the second group of images exhibits a certain consistency for the user of the device.

By adapting the criteria the browsing is much easier for the user. For example, by defining the criteria in the controlling means appropriately, it is possible to display on the screen a second group of images whose date of storage is similar to the date of storage of an image of the first group and furthermore whose content is also similar.

On the other hand, in Inoue, the stratum is defined a priori on the basis of a predefined classification (transportation, person, etc.). Therefore if the user is looking for images similar in content to an image of a first group, the user would have to do several tentative and a lot of forward and backward searches between layers of the hierarchy which is not convenient.

Using the invention recited in claim 1 enables the user to go in any direction of the database, as opposed to the solution of Inoue which only enables a hierarchical access of images by going deeper and deeper and obliges the user to choose a category.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Inoue. Applicants' independent claim 13 contains several similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claim 13 pointing out why this claim is patentable over Inoue.

Claims 2 – 12 and 14 – 17 are also patentable because at least they respectively depend from claims 1 and 13, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 17 under 35 U.S.C. 102(b) is respectfully requested.

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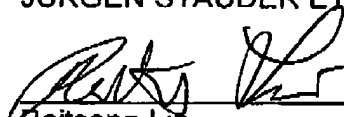
### Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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